

# Exhibit 2

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UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA

Mi Familia Vota,

Plaintiff,

v.

Adrian Fontes, in his official capacity as  
Arizona Secretary of State, et al.,

Defendant.

No. 2:22-cv-00509-SRB (Lead)

**INTERVENOR-DEFENDANTS  
SPEAKER OF THE HOUSE BEN  
TOMA AND SENATE PRESIDENT  
WARREN PETERSEN'S ANSWERS  
TO CONSOLIDATED PLAINTIFFS'  
FIRST SET OF INTERROGA-  
TORIES**

AND CONSOLIDATED CASES

Pursuant to Federal Rules of Civil Procedure 26 and 33, Intervenor-Defendants Speaker of the House Ben Toma and Senate President Warren Petersen (the "Speaker" and "President," respectively), by and through counsel undersigned, hereby answer Consolidated Plaintiffs' First Set of Interrogatories as follows:

**GENERAL OBJECTIONS**

The Speaker and President generally object to the interrogatories as follows:

1           1.     The Speaker and President object to each interrogatory to the extent such  
2 interrogatory seeks information beyond the scope of discovery as contemplated by the  
3 Federal Rules of Civil Procedure. Specifically, the Speaker and President object to the  
4 extent such interrogatory seeks information that is not relevant to the parties' claims or  
5 defenses and not proportional to the needs of the case, considering the importance of the  
6 issues at stake in the action, the amount in controversy, the parties' relative access to  
7 relevant information, the parties' resources, the importance of the discovery in resolving  
8 the issues, and whether the burden or expense of the proposed discovery outweighs its  
9 likely benefit.

10          2.     The Speaker and President object to each interrogatory to the extent such  
11 interrogatory is compound, describing more than one item or distinct category of items,  
12 and therefore should count as multiple requests under Federal Rule of Civil Procedure 33.

13          3.     The Speaker and President object to all instructions, definitions, and  
14 interrogatories to the extent they seek information not known or reasonably accessible to  
15 the Speaker and President on the grounds that such instructions, definitions, and requests  
16 seek to require more from the Speaker and President than any obligation imposed by law  
17 would subject the Speaker and President to unreasonable and undue oppression, and  
18 would seek to impose upon the Speaker and President an obligation to investigate or  
19 discover information equally accessible to Plaintiffs.

20          4.     The Speaker and President object to Definition 2, to the extent it defines  
21 "Arizona Legislature" to exceed the scope of Federal Rule of Civil Procedure 33. The  
22 Speaker and President cannot answer on behalf of every member and staff of the Arizona  
23 House of Representatives and Arizona Senate.

24          5.     The Speaker and President object to Definition 5, to the extent it defines  
25 "document" to exceed the scope of Federal Rule of Civil Procedure 34.  
26

1           6.       The Speaker and President object to Definition 7 regarding “Nonstandard  
2 Address.” This definition is vague, subjective, ambiguous and unclear. As defined in  
3 Definition 7, “Nonstandard Address” includes but is not limited to certain types of  
4 addresses such as addresses that “are not typically geocoded.”

5           7.       The Speaker and President object to Definition 9, to the extent it defines  
6 “You” or “your” to include “any” successors and predecessors since January 1, 2020,  
7 “any past and present employees, staff, agents, assigns, and representatives of the Speaker  
8 of the House or Senate President” at any time, and “any other persons or entities that, at  
9 any time, acted on behalf or for the benefit of the Speaker of the House or the Senate  
10 President.” This definition is vague, ambiguous, overbroad, seeks information not  
11 reasonably accessible to the Speaker and President, and exceeds the scope of the Federal  
12 Rules of Civil Procedure. The Speaker and the President cannot answer on behalf of any  
13 person or entity that has ever, at any point in time, acted on behalf of or for the benefit of  
14 someone holding the position of the Speaker of the House or the Senate President.

15           8.       The Speaker and President object generally to the interrogatories to the  
16 extent they seek information, at least some of which is protected by the legislative  
17 privilege, attorney-client privilege, work product doctrine, and/or any other form of  
18 protection from disclosure.

19           9.       The Speaker and President expressly incorporate each of the foregoing  
20 General Objections into each specific response to the interrogatories set forth below as if  
21 set forth in full therein. Responses to the interrogatories are not intended to be a waiver of  
22 any applicable specific or general objection to such request.

23           Subject to and without waiving its General Objections, and incorporating each of  
24 them as warranted, the Speaker and President responds as follows:

## 25           **INTERROGATORIES**

### 26           **INTERROGATORY NO. 1:**

1 Identify and describe the purposes of the Challenged Laws, including but not  
 2 limited to what they were aimed at accomplishing and their anticipated or likely impact or  
 3 effect. Your answer should also identify by name any witnesses who have or are likely to  
 4 have knowledge or information related to the purposes or anticipated effects of the  
 5 Challenged Laws, or evidence thereof.

6 **OBJECTIONS:**

7 The Speaker and President object that this request is vague and ambiguous.

8 The Speaker and President further object that the interrogatory is compound, as it  
 9 seeks more than one category of information.

10 Furthermore, to the extent this request seeks to compel the Speaker and the  
 11 President to discuss their legislative activity in connection with the Challenged Laws,  
 12 such information is protected by the legislative privilege. *See Puente Arizona v. Arpaio*,  
 13 314 F.R.D. 664 (D. Ariz. 2016); *see also League of Women Voters of Florida, Inc. v. Lee*,  
 14 2021 WL 5283949 (N.D. Fla. 2021); *Jackson Municip. Airport Auth. v. Harkins*, 67 F.4th  
 15 678, 2023 WL 3333607 (5th Cir. 2023); *La Union Del Pueblo Entero v. Abbott*, 68 F.4th  
 16 228, 2023 WL 3494770 (5th Cir. 2023); *In re N. Dakota Legislative Assembly*, No. 23-  
 17 1600, 2023 WL 3831550 (8th Cir. June 6, 2023).

18 Furthermore, the legislative privilege is individual to each legislator, and therefore  
 19 the Speaker and President cannot waive the privilege for any other individual legislators.

20 **ANSWER:**

21 Subject to and without waiving the foregoing objections, the Speaker and President  
 22 respond as follows:

23 The Speaker and the President can only respond to this interrogatory on their own  
 24 behalf and not on behalf of the Arizona Legislature as a whole or on behalf of any other  
 25 legislator. It is the Speaker and the President's position that the Challenged Laws allow  
 26 for the government to ensure that persons who have registered to vote are eligible to vote,

1 i.e. that they meet the residence and citizenship requirements to vote under Arizona law. It  
2 is the Speaker and the President's position that the Challenged Laws were not intended to  
3 discriminate against any individual on the basis of race or national origin.

4 H.B. 2243 "[r]equires a county recorder to cancel the voter registration of a person  
5 from whom the county recorder receives and confirms information that the person is not a  
6 U.S. citizen, is not an Arizona resident or has been issued a driver's license or  
7 nonoperating license in another state. [H.B. 2243] outlines notice requirements prior to  
8 cancelling a person's voter registration. [H.B. 2243] requires the Secretary of State (SOS)  
9 and a county recorder to compare the voter registration database with prescribed  
10 databases." Amended Fact Sheet for H.B. 2243, Arizona State Senate, Fifty-Fifth  
11 Legislature, Second Regular Session, July 22, 2022.

12 H.B. 2617 "[r]equires a county recorder to cancel the voter registration of a person  
13 for whom the county recorder receives and confirms information that the person is not a  
14 U.S. citizen, has been issued a driver license or nonoperating license in another state or is  
15 otherwise not a qualified elector. [H.B. 2617] outlines notice requirements prior to  
16 canceling a person's voter registration. [H.B. 2617] requires the Secretary of State (SOS)  
17 and a county recorder to compare the voter registration database with prescribed  
18 databases." Amended Fact Sheet for H.B. 2617, Arizona State Senate, Fifty-Fifth  
19 Legislature, Second Regular Session, May 23, 2022.

20 H.B. 2492 "[r]equires a person to provide satisfactory evidence of citizenship in  
21 order to be deemed a qualified elector. [H.B. 2492] requires a person to provide proof of  
22 location of residence in order to be presumed to be properly registered to vote. [H.B.  
23 2492] outlines requirements for verification of citizenship by a counter recorder and the  
24 Attorney General (AG)." Fact Sheet for H.B. 2492, Arizona State Senate, Fifty-Fifth  
25 Legislature, Second Regular Session, March 8, 2022.

26 Upon information and belief, the members of the Fifty-Fifth Legislature, Second

1 Regular Session of the Arizona Legislature may have knowledge relevant to the above  
2 interrogatory; however, the legislative privilege may bar discovery into this topic and the  
3 legislative process.

4  
5 **INTERROGATORY NO. 2:**

6 Identify each instance in which the Arizona Legislature has established that a non-  
7 U.S. citizen has registered to vote in Arizona since January 1, 2016, including any  
8 supporting evidence thereof. Your answer should identify by name any witnesses who  
9 have or are likely to have knowledge or information related to non-U.S. citizens  
10 registering to vote in Arizona or evidence thereof.

11 **OBJECTIONS:**

12 The Speaker and President object that this interrogatory is overbroad, unduly  
13 burdensome and disproportional to the needs of the case.

14 The Speaker and President further object that this interrogatory is vague and  
15 ambiguous. The Speaker and President further object that the interrogatory is compound,  
16 as it seeks more than one category of information.

17 The Speaker and President further object to the extent that this interrogatory seeks  
18 information related to the entire Arizona Legislature and all of its members, which is  
19 therefore outside the scope of the Speaker and President's knowledge. This request could  
20 also call for information protected by the legislative privilege.

21 **ANSWER:**

22 Subject to and without waiving the foregoing objections, the Speaker and President  
23 respond as follows:  
24  
25  
26

1 It is not the role of the Arizona Legislature, as a legislative body, to “establish”  
 2 whether a non-U.S. citizen has registered to vote in Arizona. Enforcement of Arizona’s  
 3 voting laws is a duty of the executive branch.

4 Upon information and belief, current and former members of the Arizona Attorney  
 5 General’s office may have information related to the enforcement of Arizona’s voting  
 6 laws and whether any individual has violated said laws. Upon information and belief,  
 7 county officials may also have information related to the enforcement of Arizona’s voting  
 8 laws and whether any individual has violated said laws.

9  
 10 **INTERROGATORY NO. 3:**

11 Identify each instance in which the Arizona Legislature has established that a non-  
 12 U.S. citizen has voted in Arizona since January 1, 2016, including any supporting  
 13 evidence thereof. Your answer should identify by name any witnesses who have or are  
 14 likely to have knowledge or information related to non-U.S. citizens registering to vote in  
 15 Arizona or evidence thereof.

16 **OBJECTIONS:**

17 The Speaker and President object that this interrogatory is overbroad, unduly  
 18 burdensome and disproportional to the needs of the case.

19 The Speaker and President further object that this interrogatory is vague and  
 20 ambiguous. The Speaker and President further object that the interrogatory is compound,  
 21 as it seeks more than one category of information.

22 The Speaker and President further object to the extent that this interrogatory seeks  
 23 information related to the entire Arizona Legislature and all of its members, and which is  
 24 therefore outside the scope of the Speaker and President’s knowledge. This request could  
 25 also call for information protected by the legislative privilege.

26 **ANSWER:**



1 Subject to and without waiving the foregoing objections, the Speaker and President  
2 respond as follows:

3 It is not the role of the Arizona Legislature, as a legislative body, to “establish”  
4 whether a non-U.S. citizen has voted in Arizona. Enforcement of Arizona’s voting laws is  
5 a duty of the executive branch.

6 Upon information and belief, current and former members of the Arizona Attorney  
7 General’s office may have information related to the enforcement of Arizona’s voting  
8 laws and whether any individual has violated said laws. Upon information and belief,  
9 county officials may also have information related to the enforcement of Arizona’s voting  
10 laws and whether any individual has violated said laws.

11  
12 **INTERROGATORY NO. 4:**

13 Identify every type of document a person who resides in a location with only a  
14 Nonstandard Address can use to prove the location of their residence under A.R.S. § 16-  
15 123, including a description of all the elements each document must contain to satisfy the  
16 proof of location of residence requirement and an explanation of the basis of Your belief  
17 that persons who reside in locations with only Nonstandard Addresses have such  
18 documents available to them. Your answer should identify by name any witnesses who  
19 have or are likely to have knowledge or information about the availability of satisfactory  
20 documents for persons residing in locations with only Nonstandard Addresses.

21 **OBJECTIONS:**

22 The Speaker and President object that this interrogatory is vague and ambiguous.  
23 The definition of a “Nonstandard Address” is vague, subjective, and is not a limited  
24 definition.

25 The Speaker and President further object to this interrogatory to the extent it seeks  
26 information outside the scope of the Speaker and President’s knowledge, especially as it

1 asks for “Your belief” regarding whether unidentified persons have documents available  
2 to them. As noted above, Plaintiffs’ definition of “Your” includes “any” successors and  
3 predecessors since January 1, 2020, “any past and present employees, staff, agents,  
4 assigns, and representatives of the Speaker of the House or Senate President” at any time,  
5 and “any other persons or entities that, at any time, acted on behalf or for the benefit of the  
6 Speaker of the House or the Senate President.” The Speaker and President cannot answer  
7 whether these other individuals have or do not have a belief about whether unidentified  
8 persons have certain documents available to them.

9 The Speaker and President further object that the interrogatory is compound, as it  
10 seeks more than one category of information.

11 **ANSWER:**

12 Subject to and without waiving the foregoing objections, the Speaker and President  
13 respond as follows:

14 It is the Speaker and the President’s position that A.R.S. § 16-123 does not provide  
15 an exhaustive list of permissible documentation for proof of location of residence. Section  
16 16-123 states that “[a]ny” of the identifying documents prescribed in § 16-579(A)(1)  
17 “constitutes satisfactory proof of location of residence.” The statute does not specify that  
18 such documents are the only acceptable proof of location of residence.

19 The remainder of the request is overbroad and premature. The Speaker and the  
20 President cannot identify “every type of document” any person may use to prove location  
21 of residence absent a specific factual context.

22 Upon information and belief, the Secretary of State may have knowledge or  
23 information relevant to this request. Furthermore, to the extent that any of the individual  
24 members of the non-U.S. Plaintiffs’ groups “reside in a location with only Nonstandard  
25 Addresses,” they may have knowledge or information regarding which documents are  
26 available to them.

1  
2 RESPECTFULLY SUBMITTED this 23rd day of June, 2023.

3 GALLAGHER & KENNEDY, P.A.

4  
5 By: /s/ Hannah H. Porter

6 Kevin E. O'Malley

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11 *Attorneys for Intervenor-Defendants*

12 *Speaker Toma and President Petersen*

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14  
15 **CERTIFICATE OF SERVICE**

16 I hereby certify that on June 23, 2023, I transmitted via electronic mail a copy of  
17 the foregoing to all parties, c/o their respective counsel.

18  
19 /s/ Hannah H. Porter

20 *Attorneys for Intervenor-Defendants*

21 *Speaker Toma and President Petersen*